

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 44

Filed by: Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PHILLIP D. COOK and BRETT P. MONIA

Junior Party,
(Patent 5,623,065)

v.

THORI PEDERSON, SUDHIR AGRAWAL,
SANDRA MAYRAND and PAUL C. ZAMECNIK

Junior Party,
(Patent 5,220,007)

v.

BRIAN C. FROEHLER

Junior Party,
(Patent 5,256,775)

v.

JOSEPH A. WALDER, ROXANNE Y. WALDER,
PAUL S. EDER and JOHN M. DAGLE

Senior Party.
(Application 08/268,381)

Patent Interference No. 104,041

Before: SCHAFER, LEE and TORCZON, Administrative Patent Judges.

PER CURIUM

FINAL JUDGMENT

Junior parties Froehler and Pederson et al. (Pederson) have requested that adverse judgment be entered against them in this interference. Upon consideration of their respective requests, it is

ORDERED that judgment on priority as to Count 1 (Attachment to Paper 2, pp. 5-8), the sole count in the interference, is awarded against junior parties Froehler and Pederson;

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, junior party, THORI PEDERSON, SUDHIR AGRAWAL, SANDRA MAYRAND and PAUL C. ZAMECNIK, is not entitled to a patent claiming the subject matter of claims 1 through 12 (corresponding to Count 1) of Patent 5,220,007; and

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, junior part, BRIAN C. FROEHLER, is not entitled to a patent claiming the subject matter of claims 1 through 20 (corresponding to Count 1) of Patent 5,256,775.

Pursuant to the decision on preliminary motion (Paper 43) entered on even date with this decision, we hold that an interference-in-fact does not exist between the subject matter of Claims 1 through 19 of Cook et al. Patent 5,623,065; Claims 1 through 12 of Pederson Patent 5,220,007; Claims 1 through 20 of Froehler Patent 5,256,775; and Claims 30 through 40, 42 through 45, 47, 49 through 60 and 62 through 69 of Walder et al. Application 08/268,381. Accordingly, it is

ORDERED that PHILLIP D. COOK and BRETT P. MONIA are entitled to a patent on the subject matter of claims 1 through 19 (corresponding to Count 1) of Patent 5,623,065;

FURTHER ORDERED that JOSEPH A. WALDER, ROXANNE Y. WALDER, PAUL S. EDER and JOHN M. DAGLE are entitled to a patent on the subject matter of Claims 30 through 40, 42 through 45, 47, 49 through 60 and 62 through 69 Application 08/268,381; and

FURTHER ORDERED that a copy of this opinion and a copy of the Decision on Cook's Motion of No Interference-in-fact (Paper 43) be entered into the records of Patent 5,220,007; Patent 5,256,775; Patent 5,623,065 and Application 08/268,381.

_____)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
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_____)	BOARD OF
JAMESON LEE)	PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
_____)	
RICHARD TORCZON)	
Administrative Patent Judge)	

Date: April 5, 1999
Arlington, VA

cc: (via First Class Mail)

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